

**MINUTES OF THE REGULAR MEETING OF THE  
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA  
JANUARY 20, 2010**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, January 20, 2010, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

**Call to Order.** Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:00 p.m.

**Roll Call.**

Mayor William J. Schmitt	Present
Council members:	
John Schroeder	Present
David Prectel	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Kevin Manley	Present
Randall Buchta	Absent
Raymond Howard	Present
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. Six of the seven council members were in attendance, which is a majority; therefore, there was a quorum for the meeting.

**Approval of the Minutes:**

The following minutes were distributed to and examined by the Council:

1. December 23, 2009 regular Common Council meeting
2. December 23, 2009 11:35 a.m. public hearing concerning the petitions of Kerstiens Development, Inc and Ronald L. and Kathleen M. Kluemper to annex 21.34 acres located west of Kluemper Road between Red Oak Estates and Shalubo Acres
3. December 23, 2009 11:50 a.m. public hearing concerning the petition of Kenneth E. Heim, Rose Mehringer, and Maria Martinez to rezone property at 2408, 2402, and 2414 Newton Street from R-3 residential to B-3 business

A **motion** was made by Council member Ambrose 'Butch' Schitter and seconded by Council member Kevin Manley to approve the minutes as published. Motion carried 6-0.

**Utility Service Board.** General Manager of Utilities Gerald 'Bud' Hauersperger gave a report on the regular monthly Utility Service Board meeting held on January 18, 2010 and also the special meeting held on January 12, 2010. Copies of the minutes are supplied to each council member.

**Uniform Conflict Of Interest Disclosure Statement.** Mayor Schmitt presented a Uniform Conflict of Interest Disclosure Statement submitted by Jerald Schitter. Schitter is the Manager of the Electric Distribution Department and serves on the Board for the Indiana Municipal Power Agency. Schmitt asked the Council to accept the statement.

A **motion** was made by Council member Ambrose 'Butch' Schitter and seconded by Council member Ray Howard to accept the Uniform Conflict of Interest Disclosure Statement for Jerald Schitter. Motion carried 6-0.

**President Pro-tempore.** Mayor Schmitt said the legislative body shall choose from its members a president pro-tempore to preside whenever the executive is absent.

A **motion** was made by Council member Ambrose 'Butch' Schitter and seconded by Council member John Schroeder to appoint Thomas Schmidt to serve as president pro-tempore. Motion carried 6-0.

**Encumbrances.** A list of encumbered items was presented. Clerk-Treasurer Juanita Boehm explained that the list contains certain 2009 budget appropriations that were for unpaid contracts or purchase orders that will be carried forward to the 2010 budget. Boehm said for the record, the Council needs to accept the list of encumbrances.

A **motion** was made by Council member David Prechtel and seconded by Council member Kevin Manley to accept into the record the certification of encumbrances. Motion carried 6-0.

**ORDINANCE NO. 2009-37 AN ORDINANCE ANNEXING CERTAIN ADJACENT AND CONTIGUOUS TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF JASPER, INDIANA (Kerstiens-Kluemper Area)**

A public hearing and first reading of the ordinance was held on December 23, 2009. The fiscal plan was adopted on December 23, 2009.

This ordinance annexes 21.34 acres located west of Kluemper Road between Red Oak Estates and Shalubo Acres.

A motion was made by Council member Thomas Schmidt and seconded by Council member John Schroeder to read the ordinance by title only on the second reading. Motion carried 6-0. The ordinance was so read. Thereafter, a motion was made by Council member Ray Howard and seconded by Council member David Prechtel to approve the ordinance on second reading. Motion carried 6-0.

A motion was made by Council member Ambrose 'Butch' Schitter and seconded by Council member Thomas Schmidt to have the ordinance read on the third and final reading by title only. Motion carried 6-0. The ordinance was so read. Thereafter, a motion was made by Council member Raymond Howard and

seconded by Council member John Schroeder to approve Ordinance No. 2009-37 on the third and final reading. Motion carried 6-0.

**Rezone/Ordinance No. 2010-1.** Mayor Schmitt said the Council needs to consider the proposal from Springs Valley Bank and Trust Company to rezone property at 1515 Main Street and the vacant lot located directly to its north from R-3 residential to B-1 business district.

A **motion** was made by Council member Ambrose ‘Butch’ Schitter and seconded by Council member Thomas Schmidt to accept the proposal to rezone the property and adopt the rezoning ordinance for such property and reference the ordinance, Ordinance No. 2010-1. Motion carried 6-0.

**ORDINANCE NO. 2010-2 AN ORDINANCE APPROVING AND AUTHORIZING A LOAN OF FUNDS BETWEEN THE ELECTRIC DISTRIBUTION DEPARTMENT AND THE WATER DEPARTMENT WITHIN JASPER MUNICIPAL UTILITIES, AND OTHER MATTERS CONNECTED THEREWITH**

This ordinance approves the loaning of funds from the electric distribution department to the water department for the 25% grant match for the Beaver Creek Lake Dam project.

A motion was made by Council member Ray Howard and seconded by Council member David Prechtel to consider the ordinance for one reading only. Motion carried 6-0. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Kevin Manley to have the ordinance read by title only. The motion carried 6-0. The ordinance was so read. Thereafter, a motion was made by Council member John Schroeder and seconded by Council member Ambrose ‘Butch’ Schitter to pass and adopt Ordinance No 2010-2. Motion carried 6-0.

**JCAC.** Jasper Community Arts Commission member Don Weisheit attended the meeting on behalf of the Board. Weisheit thanked the Council for its continued support of the arts.

**Comprehensive Plan.** Council member David Prechtel reported that the second public workshop for the comprehensive plan was held last night and it was well attended. He explained some of the things that occurred during the workshop. Prechtel said one more public meeting will be held in June or so. He also said the steering committee will meet next week.

**Library-Council Meeting.** City Attorney Sandra Hemmerlein said Bill Shaneyfelt, the attorney for the Library building project, contacted her after he spoke with the Library’s bond counsel about some issues that came up during the joint Council-Library Board meeting on January 7, 2010. Shaneyfelt asked Hemmerlein to forward the information to the Council.

Regarding referendums, Hemmerlein said a law requirement is it must be a controlled project before we can do a referendum. Because the Council, an elected board, has the say about a bond for a project governed by the Library Board, a non-elected board, there was some discussion about whether or not a change in the referendum law should be pursued.

In regards to site selection, Hemmerlein explained what ballot questions would legally meet the requirements.

Hemmerlein said the bond counsel will research the requirements for competing referendum questions.

**Other.** Council member Ambrose ‘Butch’ Schitter reported he will not be at the next monthly meeting. Council member Ray Howard also said he will not be able to attend the February meeting.

**Adjournment.** There being no further business to come before the board, a **motion** was made by Council member Thomas Schmidt and seconded by Council member David Prechtel to adjourn the meeting. The motion carried 6-0 and the meeting adjourned at 7:52 p.m.

The minutes were hereby approved \_\_\_\_\_ with   X   without correction of clarification this 17<sup>th</sup> day of February, 2010.

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**Mayor William J. Schmitt**  
**Presiding Officer**

**Attest.**

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**Juanita S. Boehm, Clerk-Treasurer**

Margaret A. Kress, Recording Secretary